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2010 AUG 10 PM 3:14
 DISTRICT COURT
 OF CALIF.

FILED

10 Attorneys for Plaintiff
 11 KRUSE TECHNOLOGY PARTNERSHIP

12 **IN THE UNITED STATES DISTRICT COURT**
 13 **FOR THE CENTRAL DISTRICT OF CALIFORNIA**

15 KRUSE TECHNOLOGY
 16 PARTNERSHIP,

17 Plaintiff,

18 v.

19 FORD MOTOR COMPANY,

20 Defendant.

Civil Action No. **SACV10-1215 DOC(RNBX)**

**COMPLAINT FOR PATENT
 INFRINGEMENT**

DEMAND FOR JURY TRIAL

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1 Plaintiff Kruse Technology Partnership hereby complains of Defendant
2 Ford Motor Company and alleges as follows:

3 **I. THE PARTIES**

4 1. Kruse Technology Partnership ("Kruse") is a California limited
5 partnership located at 1121 N. Cosby Way, Suite G, Anaheim, California 92806.

6 2. Upon information and belief, Ford Motor Company ("Ford") is a
7 corporation organized and existing under the laws of the State of Delaware,
8 having a principal place of business at One American Road, Dearborn,
9 Michigan 48126.

10 3. Upon information and belief, Ford does business in this Judicial
11 District, and has committed acts of infringement in this District.

12 **II. JURISDICTION AND VENUE**

13 4. Kruse realleges and reincorporates the allegations set forth in
14 paragraphs 1 through 3.

15 5. This cause of action arises under the patent laws of the United
16 States, 35 U.S.C. § 100, et seq., more particularly 35 U.S.C. § 271 and § 281.

17 6. Subject matter jurisdiction in this Court is proper under 28 U.S.C.
18 § 1338(a).

19 7. Venue is proper in this District under 28 U.S.C. §§ 1391 and
20 1400(b).

21 **III. FIRST CLAIM FOR RELIEF: PATENT INFRINGEMENT**

22 **(U.S. PATENT NO. 5,265,562)**

23 8. Kruse realleges and reincorporates the allegations set forth in
24 paragraphs 1 through 7.

25 9. On November 30, 1993 the United States Patent and Trademark
26 Office duly and lawfully issued U.S. Patent No. 5,265,562 ("the '562 patent")
27 entitled "Internal Combustion Engine With Limited Temperature Cycle" to
28 Douglas C. Kruse.

1 10. Kruse is the owner of the '562 patent.

2 11. Upon information and belief, Ford has in the past and is currently
3 infringing the '562 patent by, without authority, making, using, offering to sell,
4 or selling, within the United States, or importing into the United States, engines,
5 such as Power Stroke diesel engines, and/or vehicles equipped with such
6 engines, that practice the patented methods. Ford's acts constitute direct
7 infringement of the '562 patent in violation of 35 U.S.C. § 271. Ford is further
8 in violation of 35 U.S.C. § 271 for indirectly infringing the '562 patent due to its
9 activities in contributing to and/or actively inducing infringement of the '562
10 patent by others, such as downstream purchasers of engines and/or vehicles
11 equipped with engines that practice the patented methods.

12 12. Upon information and belief, the infringement by Ford has been
13 willful, intentional and deliberate with full knowledge of the '562 patent. This
14 is an exceptional case within the meaning of 35 U.S.C. § 285.

15 13. Upon information and belief, Kruse has been and will continue to
16 be injured by Ford's infringement of the '562 patent, and such acts will continue
17 unless Ford is enjoined therefrom.

18 14. Upon information and belief, Ford has derived, received, and will
19 continue to derive and receive gains, profits and advantages from the aforesaid
20 acts of infringement in an amount that is not presently known to Kruse. By
21 reason of the aforesaid infringing acts, Kruse has been damaged, and is entitled
22 to monetary relief in an amount to be proven at trial.

23 **IV. SECOND CLAIM FOR RELIEF: PATENT INFRINGEMENT**

24 **(U.S. PATENT NO. 6,058,904)**

25 15. Kruse realleges and reincorporates the allegations set forth in
26 paragraphs 1 through 14.

27 16. On May 9, 2000 the United States Patent and Trademark Office
28 duly and lawfully issued U.S. Patent No. 6,058,904 ("the '904 patent") entitled

1 "Internal Combustion Engine With Limited Temperature Cycle" to Douglas C.
2 Kruse.

3 17. Kruse is the owner of the '904 patent.

4 18. Upon information and belief, Ford has in the past and is currently
5 infringing the '904 patent by, without authority, making, using, offering to sell,
6 or selling, within the United States, or importing into the United States, engines,
7 such as Power Stroke diesel engines, and/or vehicles equipped with such
8 engines, that practice the patented methods. Ford's acts constitute direct
9 infringement of the '904 patent in violation of 35 U.S.C. § 271. Ford is further
10 in violation of 35 U.S.C. § 271 for indirectly infringing the '904 patent due to its
11 activities in contributing to and/or actively inducing infringement of the '904
12 patent by others, such as downstream purchasers of engines and/or vehicles
13 equipped with engines that practice the patented methods.

14 19. Upon information and belief, the infringement by Ford has been
15 willful, intentional and deliberate with full knowledge of the '904 patent. This
16 is an exceptional case within the meaning of 35 U.S.C. § 285.

17 20. Upon information and belief, Kruse has been and will continue to
18 be injured by Ford's infringement of the '904 patent, and such acts will continue
19 unless Ford is enjoined therefrom.

20 21. Upon information and belief, Ford has derived, received, and will
21 continue to derive and receive gains, profits and advantages from the aforesaid
22 acts of infringement in an amount that is not presently known to Kruse. By
23 reason of the aforesaid infringing acts, Kruse has been damaged, and is entitled
24 to monetary relief in an amount to be proven at trial.

25 **V. THIRD CLAIM FOR RELIEF: PATENT INFRINGEMENT**

26 **(U.S. PATENT NO. 6,405,704)**

27 22. Kruse realleges and reincorporates the allegations set forth in
28 paragraphs 1 through 21.

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JURY DEMAND

Pursuant to Fed. R. Civ. P. 38(b), Plaintiff Kruse Technology Partnership demands a trial by jury of all issues raised by this Complaint that are triable by jury.

Respectfully submitted,

~~KNOBBE, MARTENS, OLSON & BEAR, LLP~~

Dated: August 10, 2010

By: 

John B. Sganga, Jr.
Karen Vogel Weil
Jon W. Gurka
David G. Jankowski
Marko R. Zoretic

Attorneys for Plaintiff
KRUSE TECHNOLOGY PARTNERSHIP

9487831

**UNITED STATES DISTRICT COURT
CENTRAL DISTRICT OF CALIFORNIA**

NOTICE OF ASSIGNMENT TO UNITED STATES MAGISTRATE JUDGE FOR DISCOVERY

This case has been assigned to District Judge David O. Carter and the assigned discovery Magistrate Judge is Robert N. Block.

The case number on all documents filed with the Court should read as follows:

SACV10- 1215 DOC (RNBx)

Pursuant to General Order 05-07 of the United States District Court for the Central District of California, the Magistrate Judge has been designated to hear discovery related motions.

All discovery related motions should be noticed on the calendar of the Magistrate Judge

=====
NOTICE TO COUNSEL

A copy of this notice must be served with the summons and complaint on all defendants (if a removal action is filed, a copy of this notice must be served on all plaintiffs).

Subsequent documents must be filed at the following location:

Western Division
312 N. Spring St., Rm. G-8
Los Angeles, CA 90012

Southern Division
411 West Fourth St., Rm. 1-053
Santa Ana, CA 92701-4516

Eastern Division
3470 Twelfth St., Rm. 134
Riverside, CA 92501

Failure to file at the proper location will result in your documents being returned to you.

Name & Address:
John B. Sganga, Jr., SBN: 116,211
Knobbe, Martens, Olson & Bear, LLP
2040 Main St., 14th Floor
Irvine, CA 92614
Phone: (949) 760-0404/Fax: (949) 760-9502

UNITED STATES DISTRICT COURT
CENTRAL DISTRICT OF CALIFORNIA

KRUSE TECHNOLOGY PARTNERSHIP,

CASE NUMBER

PLAINTIFF(S)

SACV10-1215 DOC(RNBX)

v.

FORD MOTOR COMPANY

SUMMONS

DEFENDANT(S).

TO: DEFENDANT(S): Ford Motor Company

A lawsuit has been filed against you.

Within 21 days after service of this summons on you (not counting the day you received it), you must serve on the plaintiff an answer to the attached complaint amended complaint counterclaim cross-claim or a motion under Rule 12 of the Federal Rules of Civil Procedure. The answer or motion must be served on the plaintiff's attorney, John B. Sganga, Jr., Knobbe, Martens, Olson & Bear, LLP, 2040 Main St., Irvine, CA 92614, whose address is Knobbe, Martens, Olson & Bear, LLP, 2040 Main St., Irvine, CA 92614. If you fail to do so, judgment by default will be entered against you for the relief demanded in the complaint. You also must file your answer or motion with the court.

Clerk, U.S. District Court

Dated: AUG 10 2010

By: NANCY CASTRO

Deputy Clerk

(Seal of the Court)



1144

[Use 60 days if the defendant is the United States or a United States agency, or is an officer or employee of the United States. Allowed 60 days by Rule 12(a)(3)].

**UNITED STATES DISTRICT COURT, CENTRAL DISTRICT OF CALIFORNIA
CIVIL COVER SHEET**

I (a) PLAINTIFFS (Check box if you are representing yourself <input type="checkbox"/>) KRUSE TECHNOLOGY PARTNERSHIP	DEFENDANTS FORD MOTOR COMPANY
(b) Attorneys (Firm Name, Address and Telephone Number. If you are representing yourself, provide same.) John B. Sganga, Jr. (SBN 116,211) KNOBBE, MARTENS, OLSON & BEAR, LLP 2040 Main St., 14th Floor, Irvine, CA 92614 (949) 760-0404	Attorneys (If Known)

II. BASIS OF JURISDICTION (Place an X in one box only.) <input type="checkbox"/> 1 U.S. Government Plaintiff <input checked="" type="checkbox"/> 3 Federal Question (U.S. Government Not a Party) <input type="checkbox"/> 2 U.S. Government Defendant <input type="checkbox"/> 4 Diversity (Indicate Citizenship of Parties in Item III)	III. CITIZENSHIP OF PRINCIPAL PARTIES - For Diversity Cases Only (Place an X in one box for plaintiff and one for defendant.) <table style="width:100%; border-collapse: collapse;"> <tr> <td style="width:30%;"></td> <td style="width:10%; text-align: center;">PTF</td> <td style="width:10%; text-align: center;">DEF</td> <td style="width:40%;"></td> <td style="width:10%; text-align: center;">PTF</td> <td style="width:10%; text-align: center;">DEF</td> </tr> <tr> <td>Citizen of This State</td> <td align="center"><input type="checkbox"/> 1</td> <td align="center"><input type="checkbox"/> 1</td> <td>Incorporated or Principal Place of Business in this State</td> <td align="center"><input type="checkbox"/> 4</td> <td align="center"><input type="checkbox"/> 4</td> </tr> <tr> <td>Citizen of Another State</td> <td align="center"><input type="checkbox"/> 2</td> <td align="center"><input type="checkbox"/> 2</td> <td>Incorporated and Principal Place of Business in Another State</td> <td align="center"><input type="checkbox"/> 5</td> <td align="center"><input type="checkbox"/> 5</td> </tr> <tr> <td>Citizen or Subject of a Foreign Country</td> <td align="center"><input type="checkbox"/> 3</td> <td align="center"><input type="checkbox"/> 3</td> <td>Foreign Nation</td> <td align="center"><input type="checkbox"/> 6</td> <td align="center"><input type="checkbox"/> 6</td> </tr> </table>		PTF	DEF		PTF	DEF	Citizen of This State	<input type="checkbox"/> 1	<input type="checkbox"/> 1	Incorporated or Principal Place of Business in this State	<input type="checkbox"/> 4	<input type="checkbox"/> 4	Citizen of Another State	<input type="checkbox"/> 2	<input type="checkbox"/> 2	Incorporated and Principal Place of Business in Another State	<input type="checkbox"/> 5	<input type="checkbox"/> 5	Citizen or Subject of a Foreign Country	<input type="checkbox"/> 3	<input type="checkbox"/> 3	Foreign Nation	<input type="checkbox"/> 6	<input type="checkbox"/> 6
	PTF	DEF		PTF	DEF																				
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Citizen or Subject of a Foreign Country	<input type="checkbox"/> 3	<input type="checkbox"/> 3	Foreign Nation	<input type="checkbox"/> 6	<input type="checkbox"/> 6																				

IV. ORIGIN (Place an X in one box only.)

1 Original Proceeding
 2 Removed from State Court
 3 Rehanded from Appellate Court
 4 Reinstated or Reopened
 5 Transferred from another district (specify):
 6 Multi-District Litigation
 7 Appeal to District Judge from Magistrate Judge

V. REQUESTED IN COMPLAINT: JURY DEMAND: Yes No (Check 'Yes' only if demanded in complaint.)

CLASS ACTION under F.R.C.P. 23: Yes No
 MONEY DEMANDED IN COMPLAINT: \$ according to proof

VI. CAUSE OF ACTION (Cite the U.S. Civil Statute under which you are filing and write a brief statement of cause. Do not cite jurisdictional statutes unless diversity.)

Patent Infringement, 35 U.S.C. Sec. 271 & Sec. 281; 35 U.S.C. Sec. 100 et. seq.

VII. NATURE OF SUIT (Place an X in one box only.)

OTHER STATUTES <input type="checkbox"/> 400 State Reapportionment <input type="checkbox"/> 410 Antitrust <input type="checkbox"/> 430 Banks and Banking <input type="checkbox"/> 450 Commerce/ICC Rates/etc. <input type="checkbox"/> 460 Deportation <input type="checkbox"/> 470 Racketeer Influenced and Corrupt Organizations <input type="checkbox"/> 480 Consumer Credit <input type="checkbox"/> 490 Cable/Sat TV <input type="checkbox"/> 810 Selective Service <input type="checkbox"/> 850 Securities/Commodities/Exchange <input type="checkbox"/> 875 Customer Challenge 12 USC 3410 <input type="checkbox"/> 890 Other Statutory Actions <input type="checkbox"/> 891 Agricultural Act <input type="checkbox"/> 892 Economic Stabilization Act <input type="checkbox"/> 893 Environmental Matters <input type="checkbox"/> 894 Energy Allocation Act <input type="checkbox"/> 895 Freedom of Info. Act <input type="checkbox"/> 900 Appeal of Fee Determination Under Equal Access to Justice <input type="checkbox"/> 950 Constitutionality of State Statutes	CONTRACT <input type="checkbox"/> 110 Insurance <input type="checkbox"/> 120 Marine <input type="checkbox"/> 130 Miller Act <input type="checkbox"/> 140 Negotiable Instrument <input type="checkbox"/> 150 Recovery of Overpayment & Enforcement of Judgment <input type="checkbox"/> 151 Medicare Act <input type="checkbox"/> 152 Recovery of Defaulted Student Loan (Excl. Veterans) <input type="checkbox"/> 153 Recovery of Overpayment of Veteran's Benefits <input type="checkbox"/> 160 Stockholders' Suits <input type="checkbox"/> 190 Other Contract <input type="checkbox"/> 195 Contract Product Liability <input type="checkbox"/> 196 Franchise REAL PROPERTY <input type="checkbox"/> 210 Land Condemnation <input type="checkbox"/> 220 Foreclosure <input type="checkbox"/> 230 Rent Lease & Ejectment <input type="checkbox"/> 240 Torts to Land <input type="checkbox"/> 245 Tort Product Liability <input type="checkbox"/> 290 All Other Real Property	TORTS PERSONAL INJURY <input type="checkbox"/> 310 Airplane <input type="checkbox"/> 315 Airplane Product Liability <input type="checkbox"/> 320 Assault, Libel & Slander <input type="checkbox"/> 330 Fed. Employers' Liability <input type="checkbox"/> 340 Marine <input type="checkbox"/> 345 Marine Product Liability <input type="checkbox"/> 350 Motor Vehicle <input type="checkbox"/> 355 Motor Vehicle Product Liability <input type="checkbox"/> 360 Other Personal Injury <input type="checkbox"/> 362 Personal Injury-Med Malpractice <input type="checkbox"/> 365 Personal Injury-Product Liability <input type="checkbox"/> 368 Asbestos Personal Injury Product Liability IMMIGRATION <input type="checkbox"/> 462 Naturalization Application <input type="checkbox"/> 463 Habeas Corpus-Alien Detainee <input type="checkbox"/> 465 Other Immigration Actions	TORTS PERSONAL PROPERTY <input type="checkbox"/> 370 Other Fraud <input type="checkbox"/> 371 Truth in Lending <input type="checkbox"/> 380 Other Personal Property Damage <input type="checkbox"/> 385 Property Damage Product Liability BANKRUPTCY <input type="checkbox"/> 422 Appeal 28 USC 158 <input type="checkbox"/> 423 Withdrawal 28 USC 157 CIVIL RIGHTS <input type="checkbox"/> 441 Voting <input type="checkbox"/> 442 Employment <input type="checkbox"/> 443 Housing/Accommodations <input type="checkbox"/> 444 Welfare <input type="checkbox"/> 445 American with Disabilities - Employment <input type="checkbox"/> 446 American with Disabilities - Other <input type="checkbox"/> 440 Other Civil Rights	PRISONER SENTENCES <input type="checkbox"/> 510 Motions to Vacate Sentence <input type="checkbox"/> 530 Habeas Corpus <input type="checkbox"/> 535 General <input type="checkbox"/> 540 Death Penalty <input type="checkbox"/> 540 Mandamus/Other <input type="checkbox"/> 550 Civil Rights <input type="checkbox"/> 555 Prison Condition <input type="checkbox"/> 610 Agriculture <input type="checkbox"/> 620 Other Food & Drug <input type="checkbox"/> 625 Drug Related Seizure of Property 21 USC 881 <input type="checkbox"/> 630 Liquor Laws <input type="checkbox"/> 640 R.R. & Truck <input type="checkbox"/> 650 Airline Regs <input type="checkbox"/> 660 Occupational Safety/Health <input type="checkbox"/> 690 Other	LABOR <input type="checkbox"/> 710 Fair Labor Standards Act <input type="checkbox"/> 720 Labor/Mgmt. Relations <input type="checkbox"/> 730 Labor/Mgmt. Reporting & Disclosure Act <input type="checkbox"/> 740 Railway Labor Act <input type="checkbox"/> 790 Other Labor Litigation <input type="checkbox"/> 791 Empl. Ret. Inc. Security Act PROPERTY RIGHTS <input type="checkbox"/> 820 Copyrights <input checked="" type="checkbox"/> 830 Patent <input type="checkbox"/> 840 Trademark SOCIAL SECURITY <input type="checkbox"/> 862 Black Lung (923) <input type="checkbox"/> 863 DIWC/DIWW (405(g)) <input type="checkbox"/> 864 SSID Title XVI <input type="checkbox"/> 865 RSI (405(g)) FEDERAL TAX SUITS <input type="checkbox"/> 870 Taxes (U.S. Plaintiff or Defendant) <input type="checkbox"/> 871 IRS-Third Party 26 USC 7609
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FOR OFFICE USE ONLY: Case Number: SACV10-1215 DOC(RNBX)

AFTER COMPLETING THE FRONT SIDE OF FORM CV-71, COMPLETE THE INFORMATION REQUESTED BELOW.

**UNITED STATES DISTRICT COURT, CENTRAL DISTRICT OF CALIFORNIA
CIVIL COVER SHEET**

VIII(a). IDENTICAL CASES: Has this action been previously filed in this court and dismissed, remanded or closed? No Yes
If yes, list case number(s): SACV10-1066 JVS(RNB) with respect to Ford Motors Company only

VIII(b). RELATED CASES: Have any cases been previously filed in this court that are related to the present case? No Yes
If yes, list case number(s): SACV 08-1452 JVS(JWJ), SACV09-3710 JVS(MLG), SACV09-458 JVS(JWJ), SACV09-3710 JVS(JWJ), SACV10-1066 JVS(RNB)

Civil cases are deemed related if a previously filed case and the present case:

- (Check all boxes that apply) A. Arise from the same or closely related transactions, happenings, or events; or
 B. Call for determination of the same or substantially related or similar questions of law and fact; or
 C. For other reasons would entail substantial duplication of labor if heard by different judges; or
 D. Involve the same patent, trademark or copyright, and one of the factors identified above in a, b or c also is present.

IX. VENUE: (When completing the following information, use an additional sheet if necessary.)

(a) List the County in this District; California County outside of this District; State if other than California; or Foreign Country, in which EACH named plaintiff resides.
 Check here if the government, its agencies or employees is a named plaintiff. If this box is checked, go to item (b).

County in this District:*	California County outside of this District; State, if other than California; or Foreign Country
Orange County	

(b) List the County in this District; California County outside of this District; State if other than California; or Foreign Country, in which EACH named defendant resides.
 Check here if the government, its agencies or employees is a named defendant. If this box is checked, go to item (c).

County in this District:*	California County outside of this District; State, if other than California; or Foreign Country
	Michigan

(c) List the County in this District; California County outside of this District; State if other than California; or Foreign Country, in which EACH claim arose.
Note: In land condemnation cases, use the location of the tract of land involved.

County in this District:*	California County outside of this District; State, if other than California; or Foreign Country
Orange County and Los Angeles County	

* Los Angeles, Orange, San Bernardino, Riverside, Ventura, Santa Barbara, or San Luis Obispo Counties

Note: In land condemnation cases, use the location of the tract of land involved

X. SIGNATURE OF ATTORNEY (OR PRO PER):  Date August 10, 2010

Notice to Counsel/Parties: The CV-71 (JS-44) Civil Cover Sheet and the information contained herein neither replace nor supplement the filing and service of pleadings or other papers as required by law. This form, approved by the Judicial Conference of the United States in September 1974, is required pursuant to Local Rule 3-1 is not filed but is used by the Clerk of the Court for the purpose of statistics, venue and initiating the civil docket sheet. (For more detailed instructions, see separate instructions sheet.)

Key to Statistical codes relating to Social Security Cases:

Nature of Suit Code	Abbreviation	Substantive Statement of Cause of Action
861	HIA	All claims for health insurance benefits (Medicare) under Title 18, Part A, of the Social Security Act, as amended. Also, include claims by hospitals, skilled nursing facilities, etc., for certification as providers of services under the program. (42 U.S.C. 1935FF(b))
862	BL	All claims for "Black Lung" benefits under Title 4, Part B, of the Federal Coal Mine Health and Safety Act of 1969. (30 U.S.C. 923)
863	DIWC	All claims filed by insured workers for disability insurance benefits under Title 2 of the Social Security Act, as amended; plus all claims filed for child's insurance benefits based on disability. (42 U.S.C. 405(g))
863	DIWW	All claims filed for widows or widowers insurance benefits based on disability under Title 2 of the Social Security Act, as amended. (42 U.S.C. 405(g))
864	SSID	All claims for supplemental security income payments based upon disability filed under Title 16 of the Social Security Act, as amended.
865	RSI	All claims for retirement (old age) and survivors benefits under Title 2 of the Social Security Act, as amended. (42 U.S.C. (g))